

1 WRIGHT, FINLAY & ZAK, LLP
2 Dana Jonathon Nitz, Esq.
3 Nevada Bar No. 0050
4 Christina V. Miller, Esq.
5 Nevada Bar No. 12448
6 7785 W. Sahara Avenue, Suite 200
7 Las Vegas, NV 89117
8 (702) 475-7964; Fax: (702) 946-1345
9 dnitz@wrightlegal.net
10 cmiller@wrightlegal.net

11 *Attorneys for Intervenor Defendant Residential Credit Solutions, Inc.*

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 KAL-MOR-USA, LLC, a Nevada limited liability
15 company,

16 Case No.: 2:13-cv-01046-GMN-PAL

17 Plaintiff,

18 vs.
19 **STIPULATION AND ORDER OF FINAL
20 JUDGMENT CONFIRMING EXISTENCE
21 AND VALIDITY OF DEED OF TRUST**

22 BANK OF AMERICA, N.A., a National
23 Association; FIDELITY NATIONAL TITLE
24 INSURANCE COMPANY, a foreign corporation;
25 DOES I through X; and ROE CORPORATIONS I
26 through X, inclusive,

27 Defendants,

28

RESIDENTIAL CREDIT SOLUTIONS, INC.,

Plaintiff
Intervenor Defendant.

Plaintiff KAL-MOR-USA, LLC (“Kal-Mor”) and Intervenor Defendant RESIDENTIAL CREDIT SOLUTIONS, INC. (“RCS”), through their counsel of record, stipulate as follows:

1. This matter relates to real property located 3055 Casey Drive, Bldg. 112, Unit 103, Las Vegas, Nevada 89120, APN: 162-25-612-380 (the “Property”). The Property is more specifically described as:

29 ///

1 Parcel One: (Common Areas)

2 An undivided 1/56th interest as tenant in common in Common elements in Phase 6 of
3 Amended Map of Paradise Village 1013 - Unit 3, together with additional acreage, as
4 shown by map thereof on file in Book 56 of Plats, page 33 and by that certain
5 Certificate of Amendment recorded June 2, 1993 in Book 930602 as Document No.
6 00832, Clark County, Nevada and by that certain Certificate of Amendment recorded
7 July 23, 1993 in Book 930723 as Document No. 01274 and by Second Amended Map
8 of a portion of Paradise Village 1013 Unit 3, together with additional acreage, as
9 shown by map thereof on file in Book 61 of Plats, page 42 all of Official Records in
10 Clark County, Nevada.

8 EXCEPTING THEREFROM the following:

9 All Living Units and Association Property shown in Phase 6 of Amended Map of
10 Paradise Village 1013 - Unit 3, together with additional acreage, of the plat.

11 AND RESERVING THEREFROM:

12 The right to possession of all those areas designated as Limited Common elements; as
13 shown upon the Plat referred to above;

14 AND FURTHER RESERVING THEREFROM the benefit of the Owners of
15 Condominiums in all subsequent phases in Amended Map of Paradise Village 1013 -
16 Unit 3, together with additional acreage, non-exclusive easements on, over, and
17 across the Common Elements and Association Property for ingress, egress, and
18 recreational use, subject to the conditions set forth the Notice of Annexation and
19 Supplemental "Declaration" of Covenants, Conditions, and Restrictions for Canyon
20 Willow recorded on June 24, 1993 in Book 930624, as Instrument No. 01681, and re-
21 recorded July 20, 1993 in Book 930720 as Document No. 01306, Clark County,
22 Nevada, Recorder.

20 Parcel Two: (Living Unit)

21 Living Unit 103 in Building 112 as shown upon the Condominium Plat referred to
22 above.

23 Parcel Three: (Limited Common Element)

24 The exclusive right to use, possession, and occupancy of the Limited Common
25 Elements described upon the Plat as Balconies, Patios, Entries/Stairways and
26 Assigned covered parking space 112-103 (Limited Common Elements) which are
27 appurtenant to and for the exclusive use of Parcel 2.

28 Parcel Four: (Common/Association Property)

1 A non-exclusive easement on and over the Common Elements and b-Association and
2 Master Association Property for access, use, occupancy, enjoyment, ingress, egress,
3 and use of the amenities located thereon, subject to the terms and provisions of the
4 Declaration. This easement is appurtenant to Parcels 1, 2 and 3 above described.
5

6 Parcel Five: (Phased Areas)
7

8 A non-exclusive easement for ingress, egress and recreational use on and over the
9 Common Elements and Association Property in non-annexed phases which easement
10 is appurtenant to Parcels 1, 2 and 3 described above. This easement shall be effective
11 only until recordation, prior to expiration of right to annex, of a Declaration for
12 Annexation declaration the phases to be subject to the Declaration or expiration of the
13 right to annex.

14 2. Freddie Mac is the beneficiary of record of a Deed of Trust that encumbers the Property
15 and was recorded on June 12, 2007, as Instrument Number 20070612-0001428, in the Official
16 Records of Clark County, Nevada (the “Deed of Trust”).

17 3. On February 4, 2013, Canyon Willow Owners Association (“Canyon Willow OA”)
18 recorded a Foreclosure Deed Upon Sale as Instrument Number 20130204-0003518 of the Official
19 Records of Clark County, Nevada (the “HOA Foreclosure Deed”), reflecting that First 100, LLC
20 (“First 100”) purchased the Property at the Canyon Willow OA foreclosure sale of the Property
21 conducted on February 2, 2013 (the “HOA Sale”).

22 4. First 100 transferred its interest in the Property to Kal-Mor by Deed of Sale recorded in
23 the Clark County recorder’s office on March 4, 2013 as Instrument Number 20130304-0001199 (the
24 “Deed of Sale”).

25 5. Kal-Mor has not transferred his interest in the Property and is still the title holder of
26 record.

27 6. On February 26, 2013, First 100 initiated a lawsuit against Fidelity National Title
28 Insurance Company (“Fidelity”) and Bank of America, N.A. (“BANA”) in Clark County, District
Court, Case No. A-13-677350-C, seeking a declaratory judgment of quiet title to the Property. On
April 4, 2013, a First Amended Complaint was filed naming Kal-Mor as Plaintiff. On June 12, 2013,
Fidelity removed the action to the United States District Court, District of Nevada, Case No. 2:13-cv-
01046-GMN-PAL. On March 18, 2014, Ocwen Loan Servicing, LLC (“Ocwen”) moved to intervene
in the action, which was granted by the Court. On May 12, 2014, a Stipulation and Order to Dismiss

1 BANA was filed. On August 14, 2015, a Stipulation and Order to Dismiss Fidelity was filed. On
2 January 28, 2016, a Stipulation and Order to substitute RCS in place of Ocwen was filed (the “Quiet
3 Title Action”).

4 7. Kal-Mor and RCS, the only remaining parties to the Quiet Title Action, have entered a
5 confidential settlement agreement in which they have settled all claims between them in this case.
6 This Stipulation and Order applies to the matters addressed in the Quiet Title Action only and has no
7 relevance to any other matter.

8 8. Pursuant to the settlement agreement, the Deed of Trust survived and was not
9 extinguished in any capacity by the HOA Sale. The Deed of Trust remains a valid encumbrance
10 against the Property following the recording of the HOA Foreclosure Deed and Deed of Sale, and
11 Kal-Mor's interest in the Property is subject to the Deed of Trust.

12 | DATED this 16th day of May, 2018.

DATED this 16th day of May, 2018.

13 | WRIGHT FINLAY & ZAK, LLP

LAW OFFICE OF RAFFI A. NAHABEDIAN

14 /s/ Christina V. Miller
15 Dana Jonathon Nitz, Esq.
16 Nevada Bar No. 0050
17 Christina V. Miller, Esq.
18 Nevada Bar No. 12448
19 7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89119
Attorney for Intervenor Defendant
Residential Credit Solutions, Inc.

/s/ Raffi A. Nahabedian
Raffi A. Nahabedian, Esq.
Nevada Bar No. 9347
7408 Doe Avenue
Las Vegas, NV 89117
Attorneys for Plaintiff, KAL-MOR-USA, LLC

ORDER

22 Based on the above stipulation between Kal-Mor and RCS, the Parties' agreement, and good
23 cause appearing therefore,

IT IS ORDERED that the Deed of Trust recorded in the Official Records of Clark County,
24 Nevada against the real property located 3055 Casey Drive, Bldg. 112, Unit 103, Las Vegas, Nevada
25 89120, APN: 162-25-612-380 (the “Property”) on June 12, 2007, as Instrument Number 20070612-
26 0001428, was not extinguished, impaired, or otherwise affected by the foreclosure sale of the
27 Property conducted by Canyon Willow Owners Association on February 2, 2013, or the recording of
28 the Foreclosure Deed Upon Sale in the Official Records of Clark County, Nevada, on February 4,

1 2013, as Instrument Number 20130204-0003518, reflecting that First 100, LLC purchased the
2 Property at the foreclosure sale. The Property was subsequently transferred to Kal-Mor, and Kal-
3 Mor's ownership interest in the Property is subject to the Deed of Trust.

4 IT IS FURTHER ORDERED that RCS shall be entitled to record this STIPULATION AND
5 ORDER CONFIRMING VALIDITY OF DEED OF TRUST in the Official Records of Clark County,
6 Nevada in accordance with the rules of the Recorder's Office.

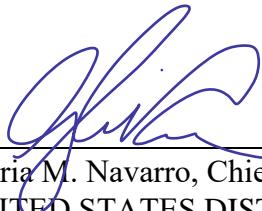
7 IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court,
8 resolving all claims in this case, with prejudice, each party to bear its own fees and costs.

9 IT IS FURTHER ORDERED that the status conference scheduled for May 29, 2018, is
10 hereby VACATED.

11 The clerk of court is instructed to close the case.

12 IT IS SO ORDERED.

13
14 DATED this 22 day of May, 2018.



15
16
17
18
19
20
21
22
23
24
25
26
27
28

Gloria M. Navarro, Chief Judge
UNITED STATES DISTRICT COURT

Respectfully submitted by:
WRIGHT, FINLAY & ZAK, LLP

/s/ Christina V. Miller
Dana Jonathon Nitz, Esq.
Nevada Bar No. 0050
Christina V. Miller, Esq.
Nevada Bar No. 12448
7785 W. Sahara Avenue, Suite 200
Las Vegas, NV 89117
Attorneys for Intervenor Defendant
Residential Credit Solutions, Inc.